

8EHQ-1093-12738

MARTIN MARIETTA

8e Init.

MARTIN MARIETTA ENERGY SYSTEMS, INC.POST OFFICE BOX 2003
OAK RIDGE, TENNESSEE 37831

October 12, 1993

VIA FAX

8EHQ-93-12738
INIT 10/25/93

88940000024

Mr. Oscar Hernandez
TSCA Section 8(e) Coordinator
Office of Toxic Substances
U. S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

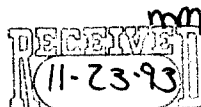
Dear Mr. Williams:

Notification of Potential Substantial Risk Information Pursuant to TSCA Section 8(e)
Oak Ridge Reservation - K-25 Site

Enclosed is a notification of potential substantial risk submitted pursuant to Section 8(e) of the Toxic Substances Control Act (TSCA) regarding previously unsuspected concentrations of polychlorinated biphenyls (PCBs) found in fish located in a 44-acre pond at the U. S. Department of Energy's (DOE) Oak Ridge K-25 Site. Section 8(e) of TSCA states that "any person who manufactures, processes, or distributes in commerce, a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administration of such information, unless such person has actual knowledge that the Administrator has been adequately informed of such information." The enclosed notification contains the information which appears to be required by Environmental Protection Agency's (EPA) 1978 TSCA Section 8(e) Policy Statement and its July 13, 1993, proposed refinement to the Policy Statement.

The notification is based on the bioaccumulation of PCBs in fish in the K-1007-P1 pond at the K-25 Site, and which may be "widespread and previously unsuspected" at this location. The K-25 Site is owned by the DOE, is located in Roane County, Tennessee, and, as part of the Oak Ridge Reservation, is listed on the EPA's National Priorities List. As such, significant portions of the site are undergoing remedial investigation which will culminate in a comprehensive characterization of contamination at the site and appropriate remediation. EPA is exercising oversight for these activities pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 120, and the resulting Federal Facilities Agreement between the DOE, EPA, and the State of Tennessee.

This filing is made for administrative purposes only and is not an admission that Martin Marietta Energy Systems, Inc. is subject to TSCA Section 8(e) as a result of its activities on behalf of the DOE at the Oak Ridge Reservation (including the K-25 Site), nor is it an admission that this information is required to be reported under Section 8(e). In fact, we believe that information of this type is not reportable under TSCA Section 8(e). We, therefore, request clarification of the TSCA Section 8(e)



4pgs.

October 12, 1993

requirement as it pertains to this Site, and offer the following information both as notice if it is required and as a fact pattern for your determination of whether such notice is required.

If you have any questions or require additional information, please contact C. L. Baker at (615) 574-9531.

Sincerely,



Fred R. Mynatt, Vice President
Compliance, Evaluation, and Policy

FRM:REB:jl

Enclosure

cc: R. S. Eby
L. E. Hall
G. W. Horde
J. R. Merriman
M. E. Mitchell
F. S. Patton/M. F. P. DeLozier
File - FRM

cc/enc: C. L. Baker/S. E. Foster
C. D. Goins/R. E. Bell
T. P. A. Perry
T. S. Tison - ORO
EMD Document Center - RC

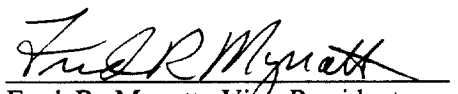
ENCLOSURE

NOTIFICATION OF POTENTIAL SUBSTANTIAL RISK INFORMATION PURSUANT TO
TSCA SECTION 8(e)
PCB CONTAMINATION AT THE OAK RIDGE K-25 SITE

Section 8(e) of the Toxic Substances Control Act (TSCA) states that "any person who manufactures, processes, or distributes in commerce, a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment, shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information." In accordance with Section 8(e) as specified by the requirements set forth in the March 16, 1978 Federal Register, Part V, Toxic Substances Control Act (Statement of Interpretation and Enforcement Policy; Notification of Substantial Risk), and by the proposed refinement to the Policy Statement dated July 13, 1993, the following information is being submitted.

Since we question the applicability of TSCA Section 8(e), this filing is made for administrative purposes only. It is not an admission that Martin Marietta Energy Systems, Inc., is subject to TSCA Section 8(e) as a result of its activities on behalf of the United States Department of Energy (DOE) at the Oak Ridge Reservation (including the K-25 Site), nor is it an admission that this information is required to be reported under Section 8(e).

- 1) Job title, name, address, telephone number, and signature of person reporting:


Fred R. Mynatt, Vice President
Compliance, Evaluation, and Policy

Martin Marietta Energy Systems, Inc.
P. O. Box 2003
Oak Ridge, Tennessee 37831-7169
(615) 574-4182

- 2) Name and address of the manufacturing, processing, or distributing establishment with which he is associated:

United States Department of Energy, Oak Ridge Reservation
P. O. Box 2003
Oak Ridge, Tennessee 37831-7169

Note: Martin Marietta Energy Systems, Inc., is a contractor to the DOE and as such manages DOE facilities at the Oak Ridge Reservation.

- 3) Chemical substance or mixture identified (including, if known, the CAS Registry Number):

Polychlorinated biphenyls (PCBs) (Aroclors 1248, 1254 and 1260)
CAS Registration Number: 1336-36-3

- 4) Summary of the adverse effects being reported, describing the nature and the extent of the risk involved:

Analytical results of PCB screening of largemouth bass collected from a 44-acre ponded tributary of Poplar Creek (K-1007-P1 pond) showed PCB concentrations in excess of the Food and Drug Administration (FDA) 2 ug/g action level for PCBs. The average total concentration of four individually-analyzed bass from the K-1007-P1 pond was 33.7 (ug/g wet wt) with the highest contaminated fish being 47.8 ug/g PCBs. The 44-acre pond is located on the DOE's Oak Ridge K-25 Site. The pond had been previously posted "No Trespassing, U. S. Government Property, For Official Use Only," and now, as a result of the recently identified PCBs in the fish, is also posted as "WARNING, No Fishing, No Water Contact, Pond Contaminated, Tennessee Department of Environment and Conservation." Access to this pond is limited, but public contact with the fish is possible, either through unauthorized fishing in the pond or migration of the fish out of the pond to other waterways during flood conditions. Potential ingestion of PCB-contaminated fish is the greatest pathways risk to humans.

- 5) The specific source of the information together with a summary and the source of any available supporting technical data:

The information on the PCB concentration in the fish reported in this notification was furnished by the Oak Ridge National Laboratory (ORNL) Environmental Sciences Division personnel and reported to the K-25 Site in a letter received September 20, 1993. The data was obtained as part of the Biological Monitoring and Abatement Program required by the National Pollutant Discharge Elimination System permit for the K-25 Site. The laboratory analyses of the fish were reevaluated and independent verification was performed on the remaining samples. Sampling of all influent streams that were discharging to the K-1007-P1 pond and the effluent from the pond to Poplar Creek for PCBs was conducted on September 21, 1993. Analytical results show no detectable PCB concentrations in the water of the influents or effluents. In addition, sampling of fish in the lower Poplar Creek showed PCB concentrations ranging from <0.1ppm to 0.8 ppm. Supporting analytical data is maintained by the ORNL Environmental Sciences Division personnel and is available for review.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Fred R. Mynatt
Vice President
Compliance, Evaluation, and Policy
Martin Marietta Energy Systems, Inc.
P.O. Box 2003
Oak Ridge, Tennessee 37831

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

DEC 08 1994

EPA acknowledges the receipt of information submitted by your organization under Section 8(e) of the Toxic Substances Control Act (TSCA). For your reference, copies of the first page(s) of your submission(s) are enclosed and display the TSCA §8(e) Document Control Number (e.g., 8EHQ-00-0000) assigned by EPA to your submission(s). Please cite the assigned 8(e) number when submitting follow-up or supplemental information and refer to the reverse side of this page for "EPA Information Requests".

All TSCA 8(e) submissions are placed in the public files unless confidentiality is claimed according to the procedures outlined in Part X of EPA's TSCA §8(e) policy statement (43 FR 11110, March 16, 1978). Confidential submissions received pursuant to the TSCA §8(e) Compliance Audit Program (CAP) should already contain information supporting confidentiality claims. This information is required and should be submitted if not done so previously. To substantiate claims, submit responses to the questions in the enclosure "Support Information for Confidentiality Claims". This same enclosure is used to support confidentiality claims for non-CAP submissions.

Please address any further correspondence with the Agency related to this TSCA 8(e) submission to:

Document Processing Center (7407)
Attn: TSCA Section 8(e) Coordinator
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460-0001

EPA looks forward to continued cooperation with your organization in its ongoing efforts to evaluate and manage potential risks posed by chemicals to health and the environment.

Sincerely,

Terry R. O'Bryan
Terry R. O'Bryan
Risk Analysis Branch

Enclosure

12738 A



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contains at least 50% recycled fiber

Triage of 8(e) Submissions

Date sent to triage: DEC 14 1994

NON-CAP

CAP

Submission number: 12788 A

TSCA Inventory: Y N D

Study type (circle appropriate):

Group 1 - Dick Clements (1 copy total)

ECO

AQUATO

Group 2 - Ernie Falke (1 copy total)

ATOX

SBTOX

SEN

w/NEUR

Group 3 - Elizabeth Margosches (1 copy each)

STOX

CTOX

EPI

RTOX

GTOX

STOX/ONCO

CTOX/ONCO

IMMUNO

CYTO

NEUR

Other (FATE, EXPO, MET, etc.):

Expo

Notes:

THIS IS THE ORIGINAL 8(e) SUBMISSION; PLEASE REFILE AFTER TRIAGE DATABASE ENTRY

For Contractor Use Only

entire document: 0 1 2 pages 1,2 pages 1,2,4

Notes:

Contractor reviewer: POL Date: 11/1/94

CECATA TRIAGE TRACKING DBASE ENTRY FORM

CECATS DATA: Submission # 8EIQ 1093-12738 SEQ A

TYPE: INT SUPP FLWP

SUBMITTER NAME: Martin Marietta Energy Systems, Inc.

INFORMATION REQUESTED: FLWP DATE:

- 0501 NO INFO REQUESTED
- 0502 INFO REQUESTED (TECH)
- 0503 INFO REQUESTED (VOL ACTIONS)
- 0504 INFO REQUESTED (REPORTING RATIONALE)

DISPOSITION:

- 0639 REFER TO CHEMICAL SCREENING
- 0678 CAP NOTICE

- VOLUNTARY ACTIONS:
- 0401 NO ACTION REPORTED
 - 0402 STUDIES PLANNED/UNDERWAY
 - 0403 NOTIFICATION OF WORKER/OTHERS
 - 0404 LABEL/MSDS CHANGES
 - 0405 PROCESS/HANDLING CHANGES
 - 0406 APP/USE DISCONTINUED
 - 0407 PRODUCTION DISCONTINUED
 - 0408 CONFIDENTIAL

SUB. DATE: 10/12/93 OTS DATE: 10/25/93 CSRAD DATE: 11/23/93

CHEMICAL NAME: ADD -> Polychlorinated Biphenyls (PCB) CAS# 1336-36-3

INFORMATION TYPE:		P	F	C	INFORMATION TYPE:		P	F	C	INFORMATION TYPE:		P	F	C
0201	ONCO (HUMAN)	01	02	04	0216	EPICLIN	01	02	04	0241	IMMUNO (ANIMAL)	01	02	04
0202	ONCO (ANIMAL)	01	02	04	0217	HUMAN EXPOS (PROD CONTAM)	01	02	04	0242	IMMUNO (HUMAN)	01	02	04
0203	CLIN TRANS (IN VITRO)	01	02	04	0218	HUMAN EXPOS (ACCIDENTAL)	01	02	04	0243	CHEMPHYS PROP	01	02	04
0204	MUTA (IN VITRO)	01	02	04	0219	HUMAN EXPOS (MONITORING)	01	02	04	0244	CLASTO (IN VITRO)	01	02	04
0205	MUTA (IN VIVO)	01	02	04	0220	ECO/AQUA TOX	01	02	04	0245	CLASTO (ANIMAL)	01	02	04
0206	REPRO/TERATO (HUMAN)	01	02	04	0221	ENV. OCCUREL/FATE	01	02	04	0246	CLASTO (HUMAN)	01	02	04
0207	REPRO/TERATO (ANIMAL)	01	02	04	0222	EMER INCI OF ENV CONTAM	01	02	04	0247	DNA DAM/REPAIR	01	02	04
0208	NEURO (HUMAN)	01	02	04	0223	RESPONSE REQUEST DELAY	01	02	04	0248	PROD/USE/PROC	01	02	04
0209	NEURO (ANIMAL)	01	02	04	0224	PROD/COMP/ID	01	02	04	0251	MSDS	01	02	04
0210	ACUTE TOX. (HUMAN)	01	02	04	0225	REPORTING RATIONALE	01	02	04	0299	OTHER	01	02	04
0211	CHIR. TOX. (HUMAN)	01	02	04	0226	CONFIDENTIAL	01	02	04					
0212	ACUTE TOX. (ANIMAL)	01	02	04	0227	ALLERG (HUMAN)	01	02	04					
0213	SUB ACUTE TOX (ANIMAL)	01	02	04	0228	ALLERG (ANIMAL)	01	02	04					
0214	SUB CHRONIC TOX (ANIMAL)	01	02	04	0239	METAB/PHARMACO (ANIMAL)	01	02	04					
0215	CHRONIC TOX (ANIMAL)	01	02	04	0240	METAB/PHARMACO (HUMAN)	01	02	04					

TRIAGE DATA: NON-CBI INVENTORY

YES (CONTINUE)
NO (DROP)
DETERMINE

ONGOING REVIEW

YES (DROP/REFER)
NO (CONTINUE)
REFER:

SPECIES

Largemouth Bass

TOXICOLOGICAL CONCERN:

LOW
MED
HIGH

USE:
PRODUCTION:

COMMENTS

Not a CBI